

Serial No. 09/849,187

Page 6 of 14

RECEIVED
CENTRAL FAX CENTER

MAY 04 2007

Remarks

Claims 1, 3-6, 8-10 and 14, 15, and 17-20 are pending in the application.

Claims 1-5, 9, 15, and 19-20 are rejected under 35 U.S.C. 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 20 are rejected under 35 U.S.C. 112, ¶1, as failing to comply with the written description requirement.

Claims 1, 3, 6, 8, 14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Remein (U.S. Patent 6,477,142, hereinafter "Remein").

Claims 4, 9, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remein in view of Applicants' specification admitted prior art.

Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remein in view of Tyrrell (U.S. Patent No. 5,185,736, hereinafter "Tyrrell").

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remein in view of Dravida.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR § 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Thus, entry is respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is

553770-1

Serial No. 09/849,187

Page 7 of 14

better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejections Under 35 U.S.C. 112, ¶2

Claims 1-5, 9, 15 and 19-20 are rejected under 35 U.S.C. 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is traversed.

With respect to claim 1, Applicants have herein amended claim 1 to distinguish between the first interface to a first high capacity trunk for directly coupling to a type one node and the second interface to a second high capacity trunk for directly coupling to a type two node. Accordingly, Applicants respectfully submit that claim 1 is definite under 35 U.S.C. 112, ¶2.

With respect to claims 4, 9, and 17, Applicants have herein amended the claims to replace "cable station" with "enhanced cable station" in order to distinguish the cable

553770-1

Serial No. 09/849,187

Page 8 of 14

stations of Figures 1-3 from the cable stations of Figures 4-5 and 7. Accordingly, Applicants respectfully submit that claims 4, 9, and 17 are definite under 35 U.S.C. 112, ¶2.

With respect to claim 15, Applicants have herein amended the claim to correct the typographical error of "signals signals" and to correct the antecedent basis with respect to the high capacity trunks. Accordingly, Applicants respectfully submit that claim 15 is definite under 35 U.S.C. 112, ¶2.

With respect to claims 19 and 20, Applicants submit that the previous amendment adding these claims inadvertently referred to "another type one node" rather than referring back to the first type one node claimed in Applicants' claim 1. As such, Applicants have herein amended claims 1 and 19 to clearly distinguish between the first type one node and the second type one node, as well as to define the selective grooming process whereby an aggregate amount of traffic on the first high capacity trunk between the first and second type one nodes is compared to a predetermined threshold in order to determine whether or not additional high capacity trunks should be provisioned between the first and second type one nodes. Support for these limitations may at least be found on Page 7, Lines 15-27 of Applicants' originally-filed specification.

Accordingly, Applicants respectfully submit that claims 19 and 20 are definite under 35 U.S.C. 112, ¶2.

Therefore, Applicants' claims 1-5, 9, 15 and 19-20 are allowable under 35 U.S.C. 112, ¶2. The Examiner is respectfully requested to withdraw the rejection.

Rejections Under 35 U.S.C. 112, ¶1

Claims 19 and 20 are rejected under 35 U.S.C. 112, ¶1, as failing to comply with the written description requirement. The rejection is traversed.

With respect to claims 19 and 20, Applicants submit that the previous amendment adding these claims inadvertently referred to "another type one node" rather than referring back to the first type one node claimed in Applicants' claim 1. As such, Applicants have herein amended claims 1 and 19 to clearly distinguish between the first type one node and the second type one node, as well as to define the selective grooming process whereby an aggregate amount of traffic on the first high capacity trunk between

553770-1

Serial No. 09/849,187

Page 9 of 14

the first and second type one nodes is compared to a predetermined threshold in order to determine whether or not additional high capacity trunks should be provisioned between the first and second type one nodes. Support for these limitations may at least be found on Page 7, Lines 15-27 of Applicants' originally-filed specification.

More specifically, Applicants' claim 1 recites "wherein only a portion of those low capacity client signals destined for the second type one node are groomed into the second high capacity trunk to the type two node." (Claim 1, Emphasis added). Furthermore, the cited portion of Applicants' specification states that "[a]n illustrative method for performing selective grooming is shown in FIG. 6." (Applicants' Specification, Pg. 7, Line 20). Thus, since Applicants' claim 19 further defines the grooming of claim 1 by claiming the selective grooming process depicted and described in Figure 6 of Applicants' originally-filed specification, Applicants respectfully submit that claim 19 is patentable under 35 U.S.C. 112, ¶1.

Therefore, Applicants' claim 19 is allowable under 35 U.S.C. 112, ¶1. The Examiner is respectfully requested to withdraw the rejection.

Rejections Under 35 U.S.C. 102(e)

Claims 1, 3, 6, 8, 14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Remein (U.S. Patent No. 6,477,142, hereinafter "Remein"). The rejection is traversed.

In general, Remein discloses a method for increasing bandwidth of a uni-directional path switched SONET ring network. The bandwidth is increased by sacrificing protection of the information carried on the path switched SONET ring network. More specifically, as disclosed in Remein, the method alters the way in which information is added to the ring network at a node and how the information is dropped at other nodes on the ring. (Remein, Abstract).

Remein, however, fails to teach or suggest each and every element of Applicants' claim 1, as arranged in the claim. Namely, Remein fails to teach or suggest at least the limitations of "a first interface to a first high capacity trunk for directly coupling to a second type one node" and "a second interface to a second high capacity trunk for directly coupling to a type two node," as claimed in Applicants' claim 1. Rather, referring

Serial No. 09/849,187

Page 10 of 14

to Figure 3 of Remein, assuming that nodes 38 and 39 may be considered type one nodes and nodes 32 and 34 may be considered type two nodes, Remein merely teaches one interface to two different high capacity trunk for directly coupling to two different type two nodes, respectively. Remein fails to teach or suggest the arrangement of Applicants' claim 1.

In the Office Action, the Examiner asserts the configuration of Figure 3 of Remein teaches Applicants' claim 1. Specifically, the Examiner asserts that node 38 of Figure 3 teaches the first type one node for grooming low capacity client signals into a high capacity signal. Furthermore, the Examiner asserts that interface 38a of node 39 teaches an interface to a first high capacity trunk and an interface to a second high capacity trunk. (Office Action, Pg. 5).

With respect to these assertions by the Examiner, Applicants respectfully submit that claim 1, as amended, indicates that the first type one node includes a first interface to a first high capacity trunk for directly coupling to a second type one node and a second interface to a second high capacity trunk for directly coupling to a type two node. In other words, the first type one node of Applicants' claim 1 includes two interfaces to two different high capacity trunks. By contrast, Remein merely teaches a node having one interface (illustratively, altered traffic splitter 38a of node 38) to two different trunks (illustratively, 36a and 36b). One interface to two different trunks, as taught in Remein, is not two interfaces to two respective trunks, as claimed in Applicants' claim 1. As such, Remein fails to teach or suggest each and every limitation of Applicants' claim 1, as arranged in the claim.

Furthermore, in the Office Action, the Examiner asserts that node 39 depicted in Figure 3 of Remein teaches Applicants' second type one node and that node 32 depicted in Figure 3 of Remein teaches Applicants' type two node. With respect to Figure 3 of Remein, while node 32 is directly coupled to node 38, node 39 is not directly coupled to node 38. As such, in order to find that Remein teaches Applicants' limitation of a first interface to a first high capacity trunk for directly coupling to a second type one node, the Examiner asserts that "...[d]irectly coupled is not defined in Applicants' specification as directly connected; therefore, directly coupled has a broad meaning." (Office Action, Pg. 5).

553770-1

Serial No. 09/849,187

Page 11 of 14

With respect to these additional assertions by the Examiner, Applicants respectfully submit that the words "coupled" and "connected" are synonyms and, further, in light of Applicants' use of the language "directly coupled" in combination with Applicants' drawings, which clearly show direct connections between the first type one node and the second type one node as well as between the first type one node and the type two node, Applicants respectfully submit that it is clear that "directly coupled" refers to a direct connection. Accordingly, since nodes 38 and 39 of Remein are not directly coupled but, rather, are indirectly coupled via intervening nodes 32 and 34, Applicants respectfully submit that Remein fails to teach or suggest Applicants' limitation of "a first interface to a first high capacity trunk for directly coupling to a second type one node," as claimed in Applicants' claim 1. As such, Remein fails to teach or suggest each and every limitation of Applicants' claim 1, as arranged in the claim.

Anticipation requires the presence, in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. Remein fails to disclose each and every element of Applicants' claim 1, as arranged in the claim.

As such, independent claim 1 is not anticipated by Remein and is patentable under 35 U.S.C. §102. Similarly, claims 6 and 14 recite relevant limitations similar to those recited in independent claim 1 and, as such, and at least for the same reasons as discussed above, these independent claims also are not anticipated by Remein and are patentable under 35 U.S.C. §102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Remein.

Therefore, Applicants' claims 1, 3, 6, 8, and 14 are allowable over Remein under 35 U.S.C. 102(e). The Examiner is respectfully requested to withdraw the rejection.

Rejections Under 35 U.S.C. 103(a)

Claims 4, 9, 17, and 18

Claims 4, 9, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remein in view of Applicants' specification admitted prior art.

553770-1

Serial No. 09/849,187

Page 12 of 14

Each ground of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Remein. Since the rejection under 35 U.S.C. 102 given Remein has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Applicants' specification admitted prior art supplies that which is missing from Remein to render the independent claims unpatentable, these grounds of rejection cannot be maintained.

Therefore, Applicants' claims 4, 9, 17, and 18 are allowable over Remein in view of Applicants' specification admitted prior art under 35 U.S.C. 103(a). The Examiner is respectfully requested to withdraw the rejection.

Claims 5, 10 and 15

Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remein in view of Tyrrell (U.S. Patent No. 5,185,736, hereinafter "Tyrrell").

Each ground of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Remein. Since the rejection under 35 U.S.C. 102 given Remein has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Tyrrell supplies that which is missing from Remein to render the independent claims unpatentable, these grounds of rejection cannot be maintained.

Therefore, Applicants' claims 5, 10 and 15 are allowable over Remein in view of Tyrrell under 35 U.S.C. 103(a). The Examiner is respectfully requested to withdraw the rejection.

Claims 19 and 20

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remein in view of Dravida.

Each ground of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Remein. Since the rejection under 35 U.S.C. 102 given Remein has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Dravida supplies that which is missing from Remein to render the independent claims unpatentable, these grounds of

553770-1

Serial No. 09/849,187

Page 13 of 14

rejection cannot be maintained. Furthermore, Applicants have herein incorporated the limitations of claim 20 into claim 19 and cancelled claim 20.

Therefore, Applicants' claim 19 is allowable over Remein in view of Dravida under 35 U.S.C. 103(a). The Examiner is respectfully requested to withdraw the rejection.

RECEIVED
CENTRAL FAX CENTER


MAY 04 2007

Serial No. 09/849,187
Page 14 of 14Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley at (732) 383-1434 or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 5/4/05

Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808